

INSTRUCTOR NOTES

COURSE TITLE: ROADBLOCKS AND BARRICADES (DWI Checkpoints; legal policy and operations)

INSTRUCTIONAL GOALS: THE STUDENT WILL DEVELOP AN UNDERSTANDING OF RELEVANT CASE LAWS, IMPORTANCE OF DEPARTMENT POLICY, AND WORKING KNOWLEDGE ON THE OPERATIONS OF A DWI CHECKPOINT AND LIST THE GUIDELINES ESTABLISHED BY THE CITY OF LAS CRUCES vs. BETANCOURT

INSTRUCTIONAL OBJECTIVES: DEFINE ROADBLOCKS AND THEIR PURPOSE AND TO IDENTIFY THE LEGAL REQUIREMENTS FOR ESTABLISHING ROADBLOCKS

INSTRUCTIONAL METHODS: CLASSROOM LECTURE

HANDOUTS: STUDENT GUIDE

COURSE DURATION: 1 Hr

CURRICULUM REFERENCES: DWI CHECKPOINTS AND THE DEPARTMENT OF PUBLIC SAFETY POLICIES & PROCEDURES OPR:05

SAFETY CONSIDERATION: NONE

EQUIPMENT, PERSONNEL, AND SUPPLIES NEEDED: COMPUTER, AUDIO AND VISUAL AIDS; WHITEBOARD

TARGET AUDIENCE: NEW MEXICO LAW ENFORCEMENT CADETS AND RECRUITS

COURSE PREREQUISITES: NONE

INSTRUCTOR CERT.: GENERAL POLICE INSTRUCTOR WITH MINIMUM OF FIVE YEARS FIELD EXPERIENCE

INSTRUCTOR RATIO: 1 / 40

EVALUATION STRATEGY: NEW MEXICO LAW ENFORCEMENT CERTIFICATION EXAM

AUTHOR & ORIGINATION DATE: ED R. GARCIA, 2001

REVISION / REVIEW DATE(S): NMLEA INSTR January 2014

REVISED / REVIEWED BY: NMLEA INSTR, January 2014

INSTRUCTOR NOTES

COURSE OUTLINE:

I. ROADBLOCKS AND BARRICADES

A. INSTRUCTIONAL GOALS

B. INSTRUCTIONAL OBJECTIVES

II. INTRODUCTION

A. ROADBLOCKS RANGE FROM DRIVERS LICENSE AND SOBRIETY CHECK POINTS TO BLOCKAGES OF THE ROAD

B. CITY OF LAS CRUCES VS. ELIZABETH BETANCOURT AND HENRY J. BACA

1. THIS CASE ESTABLISHED THE GUIDELINES FOR SETTING UP ROADBLOCKS IN NEW MEXICO. ROADBLOCKS MUST MEET THE TEST OF REASONABLENESS.

C. EIGHT GUIDELINES, WHICH DETERMINE WHETHER A ROADBLOCK IS REASONABLE:

D. STATE OF NEW MEXICO VS. ROGER VAN CLEAVE

III. IMPACT ROADBLOCKS

IV. SPIKE DEVICES

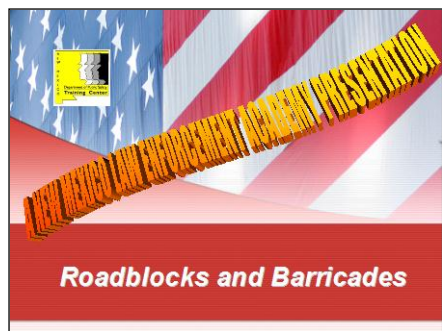
A. SPIKE DEVICES- PROCEDURE STEPS

B. HOLLOW SPIKE BELT ONLY

C. STOP STICK ONLY

INSTRUCTOR NOTES

COURSE CONTENT:



❖ **ROADBLOCKS AND BARRICADES**

INSTRUCTOR NOTES:

- Introduce Course
- Introduce Self
- Classroom and housekeeping rule
- Distribute Student Manuals
- Discuss Course Goal and Objectives

Instructional Goals

- THE STUDENT WILL DEVELOP AN UNDERSTANDING OF RELEVANT CASE LAWS, IMPORTANCE OF DEPARTMENT POLICY, AND WORKING KNOWLEDGE ON THE OPERATIONS OF A DWI CHECKPOINT AND LIST THE GUIDELINES ESTABLISHED BY THE CITY OF LAS CRUCES VS. BETANCOURT

❖ **INSTRUCTIONAL GOALS**

- ❖ THE STUDENT WILL DEVELOP AN UNDERSTANDING OF RELEVANT CASE LAWS, IMPORTANCE OF DEPARTMENT POLICY, AND WORKING KNOWLEDGE ON THE OPERATIONS OF A DWI CHECKPOINT AND LIST THE GUIDELINES ESTABLISHED BY THE CITY OF LAS CRUCES VS. BETANCOURT

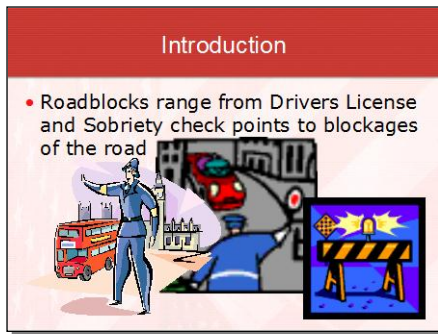
Instructional Objectives

- DEFINE ROADBLOCKS AND THEIR PURPOSE AND TO IDENTIFY THE LEGAL REQUIREMENTS FOR ESTABLISHING ROADBLOCKS

❖ **INSTRUCTIONAL OBJECTIVES**

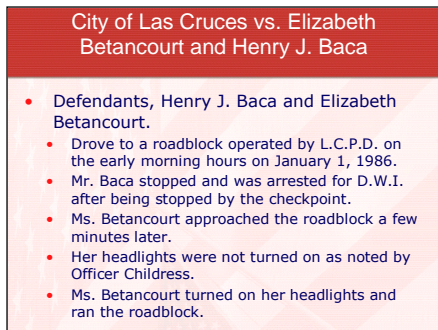
- ❖ IDENTIFY PURPOSES FOR THE USE OF ROADBLOCKS.
- ❖ IDENTIFY THE AUTHORITY TO PERFORM SUCH ROADBLOCKS AND LEGAL LIABILITY FOR IMPROPERLY PLACED ROADBLOCKS.
- ❖ IDENTIFY HAZARDS AND LIABILITIES IN PERFORMING A ROADBLOCK

INSTRUCTOR NOTES



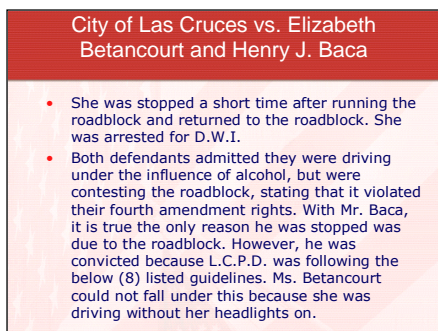
❖ **INTRODUCTION**

- ❖ ROADBLOCKS RANGE FROM DRIVERS LICENSE AND SOBRIETY CHECK POINTS TO BLOCKAGES OF THE ROAD



❖ **CITY OF LAS CRUCES VS. ELIZABETH BETANCOURT AND HENRY J. BACA**

- ❖ DEFENDANTS, HENRY J. BACA AND ELIZABETH BETANCOURT.
- ❖ DROVE TO A ROADBLOCK OPERATED BY L.C.P.D. ON THE EARLY MORNING HOURS ON JANUARY 1, 1986.
- ❖ MR. BACA STOPPED AND WAS ARRESTED FOR DWI. AFTER BEING STOPPED BY THE CHECKPOINT.
- ❖ MS. BETANCOURT APPROACHED THE ROADBLOCK A FEW MINUTES LATER.
- ❖ HER HEADLIGHTS WERE NOT TURNED ON AS NOTED BY OFFICER CHILDRESS.
- ❖ MS. BETANCOURT TURNED ON HER HEADLIGHTS AND RAN THE ROADBLOCK.



❖ **CITY OF LAS CRUCES VS. ELIZABETH BETANCOURT AND HENRY J. BACA**

- ❖ SHE WAS STOPPED A SHORT TIME AFTER RUNNING THE ROADBLOCK AND RETURNED TO THE ROADBLOCK. SHE WAS ARRESTED FOR DWI.
- ❖ BOTH DEFENDANTS ADMITTED THEY WERE DRIVING UNDER THE INFLUENCE OF ALCOHOL, BUT WERE CONTESTING THE ROADBLOCK, STATING THAT IT VIOLATED THEIR FOURTH AMENDMENT RIGHTS. WITH MR. BACA, IT IS TRUE THE ONLY REASON HE WAS STOPPED WAS DUE TO THE ROADBLOCK. HOWEVER, HE WAS CONVICTED BECAUSE L.C.P.D. WAS FOLLOWING THE BELOW (8) LISTED GUIDELINES. MS. BETANCOURT COULD NOT FALL UNDER THIS BECAUSE SHE WAS DRIVING WITHOUT HER HEADLIGHTS ON.

INSTRUCTOR NOTES

City of Las Cruces vs. Elizabeth
Betancourt and Henry J. Baca

- This case established the guidelines for setting up roadblocks in New Mexico. Roadblocks must meet the test of reasonableness.
- There is no difference between D.L. checkpoints and Sobriety checkpoints (State vs. Rudd).

❖ **CITY OF LAS CRUCES VS. ELIZABETH BETANCOURT AND HENRY J. BACA**

- ❖ THIS CASE ESTABLISHED THE GUIDELINES FOR SETTING UP ROADBLOCKS IN NEW MEXICO. ROADBLOCKS MUST MEET THE TEST OF REASONABLENESS.
- ❖ THERE IS NO DIFFERENCE BETWEEN D.L. CHECKPOINTS AND SOBRIETY CHECKPOINTS (STATE VS. RUDD).

City of Las Cruces vs. Elizabeth
Betancourt and Henry J. Baca

- Eight Guidelines which determine whether a Roadblock is reasonable:
 - Role of supervisory personnel – roadblock decisions must be made by a law enforcement supervisor.
 - Restrictions no discretion of field officers – automobiles cannot be stopped randomly. Stop every vehicle (ideally).
 - Safety – should not be the motoring public in unnecessary peril.
 - Reasonable location – you should not intentionally choose a spot in which you know is going to stop a particular group of people. Choose a place in which all peoples would be found.

❖ **CITY OF LAS CRUCES VS. ELIZABETH BETANCOURT AND HENRY J. BACA**

- ❖ **EIGHT GUIDELINES** WHICH DETERMINE WHETHER A ROADBLOCK IS REASONABLE:
- ❖ **ROLE OF SUPERVISORY PERSONNEL** – ROADBLOCK DECISIONS MUST BE MADE BY A LAW ENFORCEMENT SUPERVISOR.
- ❖ **RESTRICTIONS NO DISCRETION OF FIELD OFFICERS** – AUTOMOBILES CANNOT BE STOPPED RANDOMLY. STOP EVERY VEHICLE (IDEALLY).
- ❖ **SAFETY** – SHOULD NOT BE THE MOTORING PUBLIC IN UNNECESSARY PERIL.
- ❖ **REASONABLE LOCATION** – YOU SHOULD NOT INTENTIONALLY CHOOSE A SPOT IN WHICH YOU KNOW IS GOING TO STOP A PARTICULAR GROUP OF PEOPLE. CHOOSE A PLACE IN, WHICH ALL PEOPLES WOULD BE FOUND.

INSTRUCTOR NOTES

City of Las Cruces vs. Elizabeth Betancourt and Henry J. Baca

- Time and duration – must be at appropriate times and durations. You cannot have a sobriety roadblock, which last 48 hours.
- Indicia of official nature of the roadblock – The nature of the roadblock should be immediately apparent. All officers should be clearly visible with marked units. The area should be well lit. Signs should be used so that the motoring public will realize immediately that this is an authorized checkpoint.
- Length and nature of detention – Intrusiveness should be minimized.
- Advanced publicity – reasonableness for a roadblock will be enhanced if given widespread advance publicity.

❖ **CITY OF LAS CRUCES VS. ELIZABETH BETANCOURT AND HENRY J. BACA**

- ❖ TIME AND DURATION – MUST BE AT APPROPRIATE TIMES AND DURATIONS. YOU CANNOT HAVE A SOBRIETY ROADBLOCK, WHICH LAST 48 HOURS.
- ❖ INDICIA OF OFFICIAL NATURE OF THE ROADBLOCK – THE NATURE OF THE ROADBLOCK SHOULD BE IMMEDIATELY APPARENT. ALL OFFICERS SHOULD BE CLEARLY VISIBLE WITH MARKED UNITS. THE AREA SHOULD BE WELL LIT. SIGNS SHOULD BE USED SO THAT THE MOTORING PUBLIC WILL REALIZE IMMEDIATELY THAT THIS IS AN AUTHORIZED CHECKPOINT.
- ❖ LENGTH AND NATURE OF DETENTION – INTRUSIVENESS SHOULD BE MINIMIZED.
- ❖ ADVANCED PUBLICITY – REASONABLENESS FOR A ROADBLOCK WILL BE ENHANCED IF GIVEN WIDESPREAD ADVANCE PUBLICITY.

State of New Mexico vs. Roger Van Cleave

- Mr. Roger Van Cleave entered a Border Patrol fixed checkpoint on U.S. 54, North of El Paso.
- Agents clued in on this person because he did not answer questions directly, his story and items in the car did not match up and the vehicle belongs to a person, who Mr. Cleave did not know the last name of.

❖ **STATE OF NEW MEXICO VS. ROGER VAN CLEAVE**

- ❖ MR. ROGER VAN CLEAVE ENTERED A BORDER PATROL FIXED CHECKPOINT ON U.S. 54, NORTH OF EL PASO.
- ❖ AGENTS CLUED IN ON THIS PERSON BECAUSE HE DID NOT ANSWER QUESTIONS DIRECTLY, HIS STORY AND ITEMS IN THE CAR DID NOT MATCH UP AND THE VEHICLE BELONGS TO A PERSON, WHO MR. CLEAVE DID NOT KNOW THE LAST NAME OF.

State of New Mexico vs. Roger Van Cleave

- Agent asked Mr. Cleave if they “look in” or “inspect” his trunk. Mr. Cleave agreed. The Defendant got out of the vehicle and opened the trunk. Agent Martinez approached the opened trunk with a narcotics dog and the dog alerted to the open trunk.
- The New Mexico Supreme Court agreed with the finding that a dog sniff is not a warrant less search, and does not violate the 4th Amendment.

❖ **STATE OF NEW MEXICO VS. ROGER VAN CLEAVE**

- ❖ AGENT ASKED MR. CLEAVE IF THEY “LOOK IN” OR “INSPECT” HIS TRUNK. MR. CLEAVE AGREED. THE DEFENDANT GOT OUT OF THE VEHICLE AND OPENED THE TRUNK. AGENT MARTINEZ APPROACHED THE OPENED TRUNK WITH A NARCOTICS DOG AND THE DOG ALERTED TO THE OPEN TRUNK.
- ❖ THE NEW MEXICO SUPREME COURT AGREED WITH

THE FINDING THAT A DOG SNIFF IS NOT A WARRANT LESS SEARCH, AND DOES NOT VIOLATE THE 4TH AMENDMENT.

INSTRUCTOR NOTES

State of New Mexico vs. Roger Van Cleave

- The following reasons were used:
 - A person does not have a reasonable expectation of privacy in odors emanating from belongings in a public place.
 - Courts have upheld that no search happens when drug dogs are used in motel parking lots, school parking lots, and luggage passing through an airport, luggage on a luggage rack of a bus and on vehicles passing through a fixed Border Patrol checkpoint.
 - The sniff on the outside of the vehicle is not the violation of the 4th Amendment. If a dog intrudes in on the personal space (i.e. interior of a car or luggage) and keys on the drugs, then the search can be intrusive and a 4th Amendment issue.

❖ **STATE OF NEW MEXICO VS. ROGER VAN CLEAVE**

❖ **THE FOLLOWING REASONS WERE USED:**

- ❖ **A PERSON DOES NOT HAVE A REASONABLE EXPECTATION OF PRIVACY IN ODORS EMANATING FROM BELONGINGS IN A PUBLIC PLACE.**
- ❖ **COURTS HAVE UPHELD THAT NO SEARCH HAPPENS WHEN DRUG DOGS ARE USED IN MOTEL PARKING LOTS, SCHOOL PARKING LOTS, AND LUGGAGE PASSING THROUGH AN AIRPORT, LUGGAGE ON A LUGGAGE RACK OF A BUS AND ON VEHICLES PASSING THROUGH A FIXED BORDER PATROL CHECKPOINT.**
- ❖ **THE SNIFF ON THE OUTSIDE OF THE VEHICLE IS NOT THE VIOLATION OF THE 4TH AMENDMENT. IF A DOG INTRUDES IN ON THE PERSONAL SPACE (I.E. INTERIOR OF A CAR OR LUGGAGE) AND KEYS ON THE DRUGS, THEN THE SEARCH CAN BE INTRUSIVE AND A 4TH AMENDMENT ISSUE.**

Impact roadblocks

- **Blocking a road by using vehicles or other solid objects.**
- To be used to stop a vehicle driven by an individual whose obvious intent is to avoid apprehension by a law enforcement officer who is in lawful pursuit.
- Because of the injury that may be caused, impact roadblocks should **only be used when the elements of deadly force exist.**

IMPACT ROADBLOCKS

❖ **BLOCKING A ROAD BY USING VEHICLES OR OTHER SOLID OBJECTS.**

- ❖ **TO BE USED TO STOP A VEHICLE DRIVEN BY AN INDIVIDUAL WHOSE OBVIOUS INTENT IS TO AVOID APPREHENSION BY A LAW ENFORCEMENT OFFICER WHO IS IN LAWFUL PURSUIT.**
- ❖ **BECAUSE OF THE INJURY THAT MAY BE CAUSED, IMPACT ROADBLOCKS SHOULD ONLY BE USED WHEN THE ELEMENTS OF DEADLY FORCE EXIST.**

Spike Devices

- Due to their proven effectiveness and reduced risk of causing injury, hollow spike belts or stop sticks are the preferred method for stopping fleeing vehicles.

❖ **SPIKE DEVICES**

- ❖ **DUE TO THEIR PROVEN EFFECTIVENESS AND REDUCED RISK OF CAUSING INJURY, HOLLOW SPIKE BELTS OR STOP STICKS ARE THE PREFERRED METHOD FOR STOPPING FLEEING VEHICLES.**

INSTRUCTOR NOTES

Spike Devices- Procedure Steps

- **Primary Pursuit Officer**
 - Make reasonable attempts to obtain approval from a supervisor
- **Supervisor**
 - Determine and assign available officers to a location that will allow sufficient time for the arrival of support officers and the positioning of the spike device.
 - If not in every unit, coordinate the transport of the spike device to the intercept location

❖ **SPIKE DEVICES- PROCEDURE STEPS**

❖ **PRIMARY PURSUIT OFFICER**

- ❖ **MAKE REASONABLE ATTEMPTS TO OBTAIN APPROVAL FROM A SUPERVISOR**

❖ **SUPERVISOR**

- ❖ **DETERMINE AND ASSIGN AVAILABLE OFFICERS TO A LOCATION THAT WILL ALLOW SUFFICIENT TIME FOR THE ARRIVAL OF SUPPORT OFFICERS AND THE POSITIONING OF THE SPIKE DEVICE.**
- ❖ **IF NOT IN EVERY UNIT, COORDINATE THE TRANSPORT OF THE SPIKE DEVICE TO THE INTERCEPT LOCATION**

Spike Devices- Procedure Steps

- **Officers Assigned**
 - Position the Hollow Spike Belt or Stop Stick in a location that allows a clear view of approaching traffic, and preferably, include physical barriers such as bridges or guardrails. Notify the pursuing officer of the location where the deflating device has been positioned.
 - If possible, allow for a one-mile line of sight (in both directions), which should give adequate time to observe the suspect vehicle. (A vehicle traveling 100 MPH travels a mile in approximately 36 seconds)

❖ **SPIKE DEVICES- PROCEDURE STEPS**

❖ **OFFICERS ASSIGNED**

- ❖ **POSITION THE HOLLOW SPIKE BELT OR STOP STICK IN A LOCATION THAT ALLOWS A CLEAR VIEW OF APPROACHING TRAFFIC, AND PREFERABLY, INCLUDE PHYSICAL BARRIERS SUCH AS BRIDGES OR GUARDRAILS. NOTIFY THE PURSUING OFFICER OF THE LOCATION WHERE THE DEFLATING DEVICE HAS BEEN POSITIONED.**
- ❖ **IF POSSIBLE, ALLOW FOR A ONE-MILE LINE OF SIGHT (IN BOTH DIRECTIONS), WHICH SHOULD GIVE ADEQUATE TIME TO OBSERVE THE SUSPECT VEHICLE. (A VEHICLE TRAVELING 100 MPH TRAVELS A MILE IN APPROXIMATELY 36 SECONDS)**

INSTRUCTOR NOTES

Spike Devices- Procedure Steps

- Officers Assigned
 - If physical barriers are present, position officer(s) and unit(s) at the roadblock location, in accordance with the diagram.
 - If physical barriers are not present, position two patrol units, one on each side of the roadway (not necessary with the Stop Stick, but preferable), to guide the suspect vehicle over the desired route.
 - Use an additional unit, when available, to take a position one mile down-road in order to stop oncoming traffic and to serve as the apprehending unit.

❖ **SPIKE DEVICES- PROCEDURE STEPS**

❖ **OFFICERS ASSIGNED**

- ❖ IF PHYSICAL BARRIERS ARE PRESENT, POSITION OFFICER(S) AND UNIT(S) AT THE ROADBLOCK LOCATION, IN ACCORDANCE WITH THE DIAGRAM.
- ❖ IF PHYSICAL BARRIERS ARE NOT PRESENT, POSITION TWO PATROL UNITS, ONE ON EACH SIDE OF THE ROADWAY (NOT NECESSARY WITH THE STOP STICK, BUT PREFERABLE), TO GUIDE THE SUSPECT VEHICLE OVER THE DESIRED ROUTE.
- ❖ USE AN ADDITIONAL UNIT, WHEN AVAILABLE, TO TAKE A POSITION ONE MILE DOWN-ROAD IN ORDER TO STOP ONCOMING TRAFFIC AND TO SERVE AS THE APPREHENDING UNIT.

Spike Devices- Procedure Steps

- In the event that only one officer is available to establish the roadblock and deploy the Hollow Spike Belt or Stop Stick, the pursuing officer will serve as the apprehending unit.
- Every effort should be made to avoid deploying the Hollow Spike Belt or Stop Stick in a manner that could damage the tires of a vehicle other than the fleeing suspect's vehicle.
- Position patrol vehicles alongside the roadway at a 45-degree angle facing away from the approaching suspect vehicle.

❖ **SPIKE DEVICES- PROCEDURE STEPS**

- ❖ IN THE EVENT THAT ONLY ONE OFFICER IS AVAILABLE TO ESTABLISH THE ROADBLOCK AND DEPLOY THE HOLLOW SPIKE BELT OR STOP STICK, THE PURSUING OFFICER WILL SERVE AS THE APPREHENDING UNIT.
- ❖ EVERY EFFORT SHOULD BE MADE TO AVOID DEPLOYING THE HOLLOW SPIKE BELT OR STOP STICK IN A MANNER THAT COULD DAMAGE THE TIRES OF A VEHICLE OTHER THAN THE FLEEING SUSPECT'S VEHICLE.
- ❖ POSITION PATROL VEHICLES ALONGSIDE THE ROADWAY AT A 45-DEGREE ANGLE FACING AWAY FROM THE APPROACHING SUSPECT VEHICLE.

Hollow Spike Belt Only

- Prepare the Hollow Spike Belt for deployment off the roadway. This entails removing it from the case and stretching the device out in a readiness position at the side of the roadway. The spike angle should be aimed in the direction of the approaching suspect vehicle.

❖ **HOLLOW SPIKE BELT ONLY**

- ❖ PREPARE THE HOLLOW SPIKE BELT FOR DEPLOYMENT OFF THE ROADWAY. THIS ENTAILS REMOVING IT FROM THE CASE AND STRETCHING THE DEVICE OUT IN A READINESS POSITION AT THE SIDE OF THE ROADWAY. THE SPIKE ANGLE SHOULD BE AIMED IN THE DIRECTION OF THE APPROACHING SUSPECT VEHICLE.

INSTRUCTOR NOTES

Hollow Spike Belt Only

- A rope is provided to drag the Hollow Spike Belt across the roadway and into position (do not wrap the rope around any part of body when deploying the deflating device). Relying on observation and communication between the officers involved, rapidly deploy the device across the roadway, once it has been determined that there is little chance other vehicles will be affected by the operation.

❖ **HOLLOW SPIKE BELT ONLY**

- ❖ A ROPE IS PROVIDED TO DRAG THE HOLLOW SPIKE BELT ACROSS THE ROADWAY AND INTO POSITION (DO NOT WRAP THE ROPE AROUND ANY PART OF BODY WHEN DEPLOYING THE DEFLATING DEVICE). RELYING ON OBSERVATION AND COMMUNICATION BETWEEN THE OFFICERS INVOLVED, RAPIDLY DEPLOY THE DEVICE ACROSS THE ROADWAY, ONCE IT HAS BEEN DETERMINED THAT THERE IS LITTLE CHANCE OTHER VEHICLES WILL BE AFFECTED BY THE OPERATION.

Stop Stick Only

- The 3-foot Stop Sticks may be placed into the fabric sleeve, or connected with the interlocking joints (9 foot total), when used to cover a lane of traffic. The pull cord should be used when possible. Do not wrap the cord around any part of body when deploying the deflating device.

❖ **STOP STICK ONLY**

- ❖ THE 3-FOOT STOP STICKS MAY BE PLACED INTO THE FABRIC SLEEVE, OR CONNECTED WITH THE INTERLOCKING JOINTS (9 FOOT TOTAL), WHEN USED TO COVER A LANE OF TRAFFIC. THE PULL CORD SHOULD BE USED WHEN POSSIBLE. DO NOT WRAP THE CORD AROUND ANY PART OF BODY WHEN DEPLOYING THE DEFLATING DEVICE.

Stop Stick Only

- A Stop Stick joint may be used individually when time does not permit an officer to join the Stop Sticks together. The officer may toss the Stop Stick in front of the path of the fleeing suspect vehicle.

❖ **STOP STICK ONLY**

- ❖ A STOP STICK JOINT MAY BE USED INDIVIDUALLY WHEN TIME DOES NOT PERMIT AN OFFICER TO JOIN THE STOP STICKS TOGETHER. THE OFFICER MAY TOSS THE STOP STICK IN FRONT OF THE PATH OF THE FLEEING SUSPECT VEHICLE.

Stop Stick Only

- A Stop Stick joint may be placed in front of a parked suspect vehicle's tire to disable the vehicle in case it attempts to flee.

❖ **STOP STICK ONLY**

- ❖ A STOP STICK JOINT MAY BE PLACED IN FRONT OF A PARKED SUSPECT VEHICLE'S TIRE TO DISABLE THE VEHICLE IN CASE IT ATTEMPTS TO FLEE.

INSTRUCTOR NOTES

Assigned Officers Cont.

- The Hollow Spike Belt and Stop Stick may be used on any road surface, but is most effective on a paved surface.

❖ **ASSIGNED OFFICERS CONT.**

- ❖ THE HOLLOW SPIKE BELT AND STOP STICK MAY BE USED ON ANY ROAD SURFACE, BUT IS MOST EFFECTIVE ON A PAVED SURFACE.

Primary Pursuit Officer

- Prepare to reduce speed or stop prior to reaching the deployment point in order to allow the assigned officer an opportunity to remove the Hollow Spike Belt or Stop Stick for the roadway.
- Complete a Pursuit Recap Form if the Hollow Spike Belt or Stop Stick was deployed.

❖ **PRIMARY PURSUIT OFFICER**

- ❖ PREPARE TO REDUCE SPEED OR STOP PRIOR TO REACHING THE DEPLOYMENT POINT IN ORDER TO ALLOW THE ASSIGNED OFFICER AN OPPORTUNITY TO REMOVE THE HOLLOW SPIKE BELT OR STOP STICK FOR THE ROADWAY.
- ❖ COMPLETE A PURSUIT RECAP FORM IF THE HOLLOW SPIKE BELT OR STOP STICK WAS DEPLOYED.

Assigned Officer

- Remove the Hollow Spike Belt or Stop Stick once the suspect vehicle has crossed.

❖ **ASSIGNED OFFICER**

- ❖ REMOVE THE HOLLOW SPIKE BELT OR STOP STICK ONCE THE SUSPECT VEHICLE HAS CROSSED.

Apprehending Officer

- Immediately begin felony stop procedures.

❖ **APPREHENDING OFFICER**

- ❖ IMMEDIATELY BEGIN FELONY STOP PROCEDURES.

INSTRUCTOR NOTES

Authority and Liability

- As a full time, commissioned and salaried law enforcement officer, police personnel in New Mexico have the authority to pursue and apprehend fleeing criminals. The placement of roadblocks should be done in accordance with departmental policies and a supervisor's approval should be requested.

❖ **AUTHORITY AND LIABILITY**

- ❖ AS A FULL TIME, COMMISSIONED AND SALARIED LAW ENFORCEMENT OFFICER, POLICE PERSONNEL IN NEW MEXICO HAVE THE AUTHORITY TO PURSUE AND APPREHEND FLEEING CRIMINALS. THE PLACEMENT OF ROADBLOCKS SHOULD BE DONE IN ACCORDANCE WITH DEPARTMENTAL POLICIES AND A SUPERVISOR'S APPROVAL SHOULD BE REQUESTED.

Authority and Liability

- Roadblocks are a use of force issue. As with all areas of use of force, the police action must be done with great reasonableness and the safety of the public in mind. The police are liable for bodily harm and property damage that may arise as the result of an improperly placed roadblock. All impact roadblocks are considered deadly force.

❖ **AUTHORITY AND LIABILITY**

- ❖ ROADBLOCKS ARE A USE OF FORCE ISSUE. AS WITH ALL AREAS OF USE OF FORCE, THE POLICE ACTION MUST BE DONE WITH GREAT REASONABLENESS AND THE SAFETY OF THE PUBLIC IN MIND. THE POLICE ARE LIABLE FOR BODILY HARM AND PROPERTY DAMAGE THAT MAY ARISE AS THE RESULT OF AN IMPROPERLY PLACED ROADBLOCK. ALL IMPACT ROADBLOCKS ARE CONSIDERED DEADLY FORCE.

REMEMBER!!

- MAKE REFERENCE TO YOUR DEPARTMENT POLICY ON USE OF FORCE AND USE OF DEADLY FORCE
- KNOW YOUR POLICY BEFORE EMPLOYING ANY OF THE PROCEDURES STATED HEREIN!

❖ **REMEMBER!!**

- ❖ MAKE REFERENCE TO YOUR DEPARTMENT POLICY ON USE OF FORCE AND USE OF DEADLY FORCE
- ❖ KNOW YOUR POLICY BEFORE EMPLOYING ANY OF THE PROCEDURES STATED HEREIN!

INSTRUCTOR NOTES: FOLLOWING THE LAST NOTES PAGE YOU WILL FIND AND REFER THE STUDENTS TO AN EXAMPLE OF THE DEPARTMENT OF PUBLIC SAFETY POLICY AND PROCEDURE OPR: 05. AGAIN, REMIND STUDENTS TO CHECK WITH THEIR DEPARTMENTS POLICIES ON THE USE OF FORCE AND USE OF DEADLY FORCE AND ANY POLICY THEY MAY HAVE REGARDING THE DEPLOYMENT OF HOLLOW SPIKE BELTS AND STOP STICKS>

ROADBLOCKS AND BARRICADES

(DWI Checkpoints: Legal, Policy, and Operations)

Roadblocks and Barricades

NMDPS Accreditation Number

INSTRUCTOR NOTES





**DEPARTMENT OF PUBLIC SAFETY
POLICIES & PROCEDURES**



POLICY NUMBER	
OPR:05	
EFFECTIVE DATE: 01/05/2007	ORIGINAL ISSUED ON: 01/30/1989
REVISION NO: 2	
SUBJECT: HOLLOW SPIKE BELT & STOP STICK	

1.0 PURPOSE

It is the purpose of this policy to establish specific guidelines for the use of the Hollow Spike Belt and Stop Stick.

2.0 POLICY

It is the policy of the DPS to ensure that the use of any force when dealing with fleeing vehicles is minimized to a level where the fleeing motorist, motoring public, innocent bystanders and law enforcement officials are safeguarded against undue risk. The proper use of the Hollow Spike Belt and Stop Stick will provide officers with a readily accessible method to effectively and quickly immobilizing fleeing vehicles, without the dangers normally associated with an obstruction type roadblock.

3.0 APPLICABILITY

This policy is applicable to all commissioned officers of the Department of Public Safety.

4.0 REFERENCES

NONE

5.0 DEFINITIONS

- A. Hollow Spike Belt and Stop Stick** – Law enforcement devices that quickly puncture and deflate tires of fleeing vehicles. They are designed to be deployed across the roadway so that when a vehicle drives over them, the hollow spikes penetrate the tire and break loose from the device or the stop stick housing unit, causing the tire to deflate.
- B. Fleeing Suspects/Vehicle** – A vehicle driven by an individual whose obvious intent, based on the driver's actions, is to avoid apprehension by a law enforcement officer who is in lawful pursuit.

6.0 PROCEDURE

A. Hollow Spike Belt & Stop Stick Procedural Steps

1. The primary pursuit officer will make reasonable attempts to obtain approval from a supervisor prior to deploying. If reasonable attempts to contact a supervisor fail, and the urgency of the situation requires immediate action any officer can deploy the Hollow Spike Belt or Stop Stick.
2. The supervisor will determine and assign available officers to respond and support the operation.

HOLLOW SPIKE BELT & STOP STICK

3. The supervisor will determine an intercept location that will allow sufficient time for the arrival of support officers and the positioning of the Hollow Spike Belt or Stop Stick.
4. The supervisor will coordinate transportation of the Hollow Spike Belt to the intercept location (the Stop Stick should be available in every unit).
5. The officers assigned shall:
 - a. Position the Hollow Spike Belt or Stop Stick in a location that allows a clear view of approaching traffic, and preferably, includes physical barriers such as bridges or guard rails. Notify the pursuing officer of the location where the deflating device has been positioned.
 - b. If possible, allow for a one-mile line of sight (in both directions), which should provide adequate time to observe the suspect vehicle.
 - c. If physical barriers are present, position officer(s) and unit(s) at the roadblock location, in accordance with the attached diagram.
 - d. If physical barriers are not present, position two (2) patrol units, one on each side of the roadway at a 45 degree angle facing away from the approaching fleeing vehicle (not necessary with the stop stick, but preferable), to guide the vehicle over the desired route (see attached illustration).
 - e. Use an additional unit, when available, to take a position one mile down-road in order to stop oncoming traffic and to serve as the apprehending unit.
 - f. In the event that only one officer is available to establish the roadblock and deploy the Hollow Spike Belt or Stop Stick, the pursuing officer will serve as the apprehending unit.
 - g. Every effort should be made to avoid deploying the Hollow Spike Belt or Stop Stick in a manner that could damage the tires of a vehicle other than the fleeing suspect's vehicle.
 - h. Hollow Spike Belt only:
 - 1.) Prepare the Hollow Spike Belt for deployment off the roadway. This entails removing it from the case and stretching the device out in a readiness position at the side of the roadway. The spike angle should be aimed in the direction of the approaching suspect vehicle.
 - 2.) A rope is provided to drag the Hollow Spike Belt across the roadway and into position (**do not wrap the rope around any part of the body when deploying the deflating device**). Relying on observation and communication between the officer(s) involved, rapidly deploy the device across the roadway, once it has been determined that there is little chance other vehicles will be affected by the deployment.
 - i. Stop Stick Only:
 - 1.) The three foot Stop Sticks may be placed into the fabric sleeve, or connected with the interlocking joints (9 foot total), and used to cover a lane of traffic.

HOLLOW SPIKE BELT & STOP STICK

The pull cord should be used when possible. **Do not wrap the cord around any part of the body when deploying the deflating device.**

- 2.) A Stop Stick joint may be used individually when time does not permit an officer to join the stop sticks together. The officer may toss the Stop Stick in front of the path of the fleeing suspect vehicle.
- 3.) A Stop Stick joint may be placed in front of a parked suspect vehicle's tire to disable the vehicle in case it attempts to flee.
- j. Hollow Spike Belts and Stop Sticks shall not be used on a motorcycle unless the application of deadly force would be authorized at the time of deployment, pursuant to OPR:01 *Use of Force*.
- k. The Hollow Spike Belt and Stop Stick may be used on any road surface, but is most effective on a paved surface.
- l. The primary pursuit officer will prepare to reduce speed or stop prior to reaching the deployment point in order to allow the assigned officer an opportunity to remove the Hollow Spike Belt or Stop Stick from the roadway.
- m. The primary officer will complete a Pursuit Recap Form if the Hollow Spike Belt or Stop Stick was deployed (refer to OPR:08 *Vehicle Pursuit*).
- n. The assigned officer will remove the Hollow Spike Belt or Stop Stick once the suspect vehicle has cleared the Hollow Spike Belt or Stop Stick.
- o. The apprehending officer will approach the disabled suspect vehicle in a manner consistent with a felony stop.

7.0 ATTACHMENTS:

Diagram

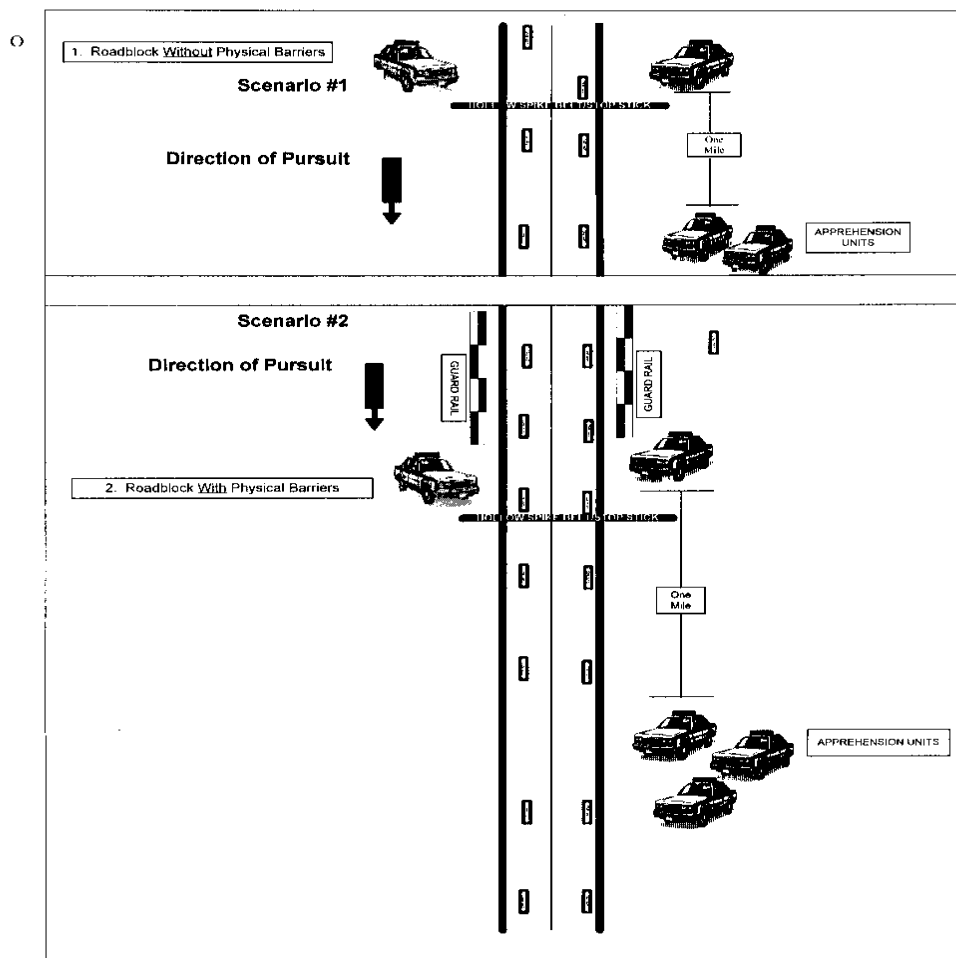
8.0 APPROVAL

APPROVED BY: s/ John Denko
DPS Cabinet Secretary

DATE: 01/05/2007

HOLLOW SPIKE BELT & STOP STICK

Attachment A



COURSE AUDIT

PRIMARY INSTRUCTOR:

SECONDARY INSTRUCTOR:

SUPPORT STAFF (i.e.: Scenario Managers, Role Players, etc):

DATE(S)/ TIME(S) OF INSTRUCTION:

LOCATION OF INSTRUCTION:

RECOMMENDED CURRICULUM CHANGES: Identify inaccurate information, outdated information, new information to be added to update material, etc. (Use additional pages if necessary)

COURSE AUDIT (Continued)

ADDITIONAL INSTRUCTOR COMMENTS: (If any portion of the course content was not presented, indicate the specific content here)

If course content other than the NMDPS TRD approved Basic or PST academy curriculum is taught, the alternative curriculum must be submitted to the Law Enforcement Academy Deputy Director's office and approved prior to delivery of the alternative instructional materials.

☐ Alternative curriculum was taught.

Accreditation number of alternative curriculum:

	SIGNATURE	DATE
Primary Instructor	<input type="text"/>	<input type="text"/>
Reviewed by Program Coordinator	<input type="text"/>	<input type="text"/>
Reviewed by Bureau Chief	<input type="text"/>	<input type="text"/>
Reviewed by LEA Director or Designee	<input type="text"/>	<input type="text"/>